



**ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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**Regular Session Minutes**

**February 8, 2008**

**Board Members Present:** Geri DeWaard, OTR Chair  
Rebecca Grabski, OTA Vice-Chair  
Kathryn Babits, OTR, Member  
John Tutelman, Public Representative  
Deborah Devine, Public Representative

**Staff Present:** Linda A. Wells, Executive Director  
Vicki Egurrola, Administrative Assistant

**Legal Representative:** Elizabeth Campbell, Assistant Attorney General

**Call to Order**

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:39 p.m., Chair Geri DeWaard, OTR presiding.

**Approval of Minutes**

**Regular Session Minutes of January 11, 2008**

Mr. Tutelman moved to approve the January 11, 2008 regular session meeting minutes with an amendment on page 1 under the heading "Election of Officers". Ms. Babits seconded. The motion passed 5-0.

**Initial Review of Complaints**

07-136-B CUYLER M. ROMEO, OTR

The Board is in receipt of a complaint filed against Cuyler M. Romeo, OTR initiated by the parent of her client. The Board is also in receipt of Ms. Romeo's written response.

The complainant alleges that Ms. Romeo wrote an inaccurate evaluation of her daughter's health condition and diagnosed a condition outside of her scope of practice. The complainant alleges that the evaluation was sent to two physicians and was made a permanent part of the medical record at Tucson Medical Hospital. The complainant also alleges that Ms. Romeo never attempted to contact her to discuss concerns regarding the evaluation.

Following discussion, Mr. Tutelman moved to table the complaint for further investigation. Ms. Babits seconded. The motion passed 5-0.

### **Open Complaint Investigations**

07-135-B CODY J. DeGUZMAN, OTA

At a previous meeting, the Board moved to open a complaint against Cody J. DeGuzman, OTA following information received from Board staff that Mr. DeGuzman practiced as an occupational therapy assistant under a limited license without the supervision of a licensed occupational therapist. Mr. DeGuzman also allowed his limited license to lapse, and practiced as an occupational therapy assistant without a current license.

The Board reviewed the draft Consent Agreement and Order that will be offered to Mr. DeGuzman.

Following discussion, Mr. Tutelman moved to adopt the changes as discussed. Ms. Babits seconded. The motion passed 5-0.

07-126-C MARY JO TODD, OTR

At a previous meeting, the Board tabled the complaint filed against Mary Jo Todd, OTR, and moved to hold an Informal Interview with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(h) and A.A.C. R4-43-101.5, 9(e).

The complainant alleges that Ms. Todd refused to perform an evaluation on her son, and failed to put the refusal in writing.

The Board reviewed the draft Notice of Informal Interview that will be sent to Ms. Todd and her attorney.

Following discussion, Ms. Babits moved to amend the notice to add A.R.S. §32-3401.9(h) in the list of possible violations. Mr. Tutelman seconded. The motion passed 5-0.

The complaint is tabled pending the Informal Interview scheduled to take place on March 14, 2008.

07-128-C PAMELA J. LIZOTTE, OTA

At a previous meeting, the Board tabled the complaint filed against Pamela J. Lizotte, OTA following an informal meeting with her, and moved to hold an informal interview pursuant to A.R. S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(f),(i),(l), and A.A.C. R4-43-101.5(i)(m).

The complainant alleges that Ms. Lizotte altered the dates on her CPR card, and presented it as evidence of a valid and current document.

The Board reviewed the draft Notice of Informal Interview that will be sent to Ms. Lizotte.

Following discussion, Ms. Devine moved to add A.R.S. §32-3401.9(h) in the list of possible violations, and to add a new allegation that reflect statements made by Ms. Lizotte to the Board. Mr. Tutelman seconded. The motion passed 5-0.

The complaint is tabled pending the Informal Interview scheduled to take place on March 14, 2008.

**07-129-C BERNADETTE S. HARKINS, OTR**

At a previous meeting, the Board tabled the complaint filed against Bernadette S. Harkins, OTR for further investigation, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

Ms. DeWaard recused herself from discussion of the complaint due to her working relationship with Ms. Harkins.

The complainant alleges that Ms. Harkins failed to document or maintain client treatment records, or failed to prepare client reports within 30 days of service or treatment.

Ms. Wells reported that Ms. Harkins called the Board office to inform them that she is unable to schedule a February informal meeting due to an illness of a family member.

The complaint is tabled pending the informal meeting which will be scheduled at a later date.

**Probationary Status Reports**

**Shawn A. Keams, OTA**

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of correspondence from Mr. Keams regarding his monthly attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of January, 2008.

**Complaint No. I-05-105 Michelle Finet, OTR**

Michelle Finet, OTR is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure

It was reported that Ms. Finet has not completed the continuing education credits (CEU'S) to date, but has on or before termination of probation to complete the requirements for completing six (6) CEU's on the subject of medical ethics; and three (3) CEU's on the subject of business management.

**Complaint No. 07-119-C Esther M. Medley, OTA**

Esther M. Medley, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Probation.

It was reported that Ms. Medley's probationary term will expire on February 12, 2008, and that she has not completed the term of her probation which requires her to obtain 6 hours of continuing education (CE) on the subject of ethics to be completed on or before the termination of probation.

The Board is in receipt of correspondence from Ms. Medley indicating completion of 3 CE courses.

Ms. Medley was present at the February meeting to request pre-approval of other CE courses that she found and if approved by the Board, will fulfill her CE requirement.

Following discussion, Ms. Grabski moved to accept completion of the 3 out of the six CE ethics courses completed. Mr. Tutelman seconded. The motion passed 5-0.

Mr. Tutelman moved to extend the probationary term another 60 days. If the remainder of the CE requirement is completed in less than 60 days, the term of probation will be fulfilled. The motion included approval of the following 4 CE courses to equal a combination of 3 CE credits:

1. Confidentiality
2. Client Rights
3. Fraud and Abuse
4. Crisis System Overview

Ms. Devine seconded. The motion passed 5-0.

#### **Complaint No. 06-116-C Jenny Marcelee Padilla, OTA**

Jenny M. Padilla, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Order.

At a previous meeting, It was reported that Ms. Padilla's probationary term will expire on January 16, 2008, and that she has not completed the requirement for completing three (3) continuing education credits (CEU's) on the subject of substance abuse. The Board moved to extend Ms. Padilla's probationary period until February 8, 2008.

The Board is in receipt of copies of certificates from Ms. Padilla indicating that she completed courses on the subject of substance abuse. Ms. Padilla also provided the Board with a letter requesting termination of her probation.

Ms. Grabski moved to enter executive session at 2:10 p.m. for the purpose of obtaining confidential legal advice from Assistant Attorney General, Beth Campbell. Ms. Babits seconded. The motion passed 5-0.

The Board left executive session and entered regular session at 2:20 p.m.

Following discussion, Mr. Tutelman moved to accept the CE hours submitted by Ms. Padilla in compliance with her probationary requirement, and to terminate her probationary period. Ms. Babits seconded. The motion passed 5-0.

**Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:**

**a. Initial Applications**

**i. Jamie Lyn Tinkle, OTR**

Jamie Lyn Tinkle, OTR was present at the February meeting to hear the Board's discussion, and answer any questions they may have regarding the disclosure of a DUI conviction on her initial application for licensure.

Following discussion, Mr. Tutelman moved to approve Ms. Tinkle for regular licensure. Ms. Babits seconded. The motion passed 5-0.

Ms. Devine moved to approve all of the applicants listed on the February 2008 initial application for licensure list. Mr. Tutelman seconded. The motion passed 5-0

**b. Renewal of Licenses**

**i. Christine A. Syfu, OTR**

Christine A. Syfu, OTR was present at the February meeting to hear the Board's discussion, and to answer any questions they may have regarding the lapse of her license and the practice as an occupational therapist without a current license.

Ms. DeWaard recused herself from discussion due to the fact that she works at the same place of employment.

Following discussion, Mr. Tutelman moved to approve the renewal application of Ms. Syfu. Ms. Babits seconded. The motion passed 5-0.

Mr. Tutelman moved to open a complaint against Christine A. Syfu, OTR and to offer her a Consent Agreement based on a possible violation of A.R.S. §32-3401.(9)(f),(h),(i),(n); §32-3421.A; R4-43-101.(5),(g),(m). Ms. Devine seconded. The motion passed 5-0.

Ms. Babits and Ms. Grabski recused themselves from approving the license renewal for themselves.

Ms. DeWaard moved to approve the license renewal of Ms. Babits and Ms. Grabski. Mr. Tutelman seconded. The motion passed 3-0.

Ms. Devine moved to approve all of the renewal applicants listed on the February 2008 licensee renewal list with the exception of Ms. Babits and Ms. Grabski. Ms. Grabski seconded. The motion passed 5-0.

**c. Limited Permits**

**i. Lukas Starck, OTR**

Lukas Starck, OTR was present at the February meeting to hear the Board's discussion, and to answer any questions they may have regarding the disclosure of a DUI conviction on his license application.

Following discussion, Mr. Tutelman moved to approve Mr. Starck for a limited permit. Ms. Babits seconded. The motion passed 5-0.

Ms. Babits moved to approve all of the applications listed on the February, 2008 limited permit list. Mr. Tutelman seconded. The motion passed 5-0.

**Executive Director's Report**

**a. Revenue and Expenditure Report**

The Board reviewed the December, 2007 Revenue and Expenditure Report.

**Other Board Business and Reports**

**a. Proposed Rule Making/Legislation**

Ms. DeWaard updated the Board on the status of the Board's proposed legislation.

**b. Information regarding consolidation of health regulatory boards**

Ms. Wells updated the Board on the status of the governor's proposed legislation to consolidate the 90/10 health regulatory Boards.

**Review Meeting Schedule**

The Board made no changes to the meeting schedule.

**Call to the Public**

No public comment was received.

**Adjournment**

There being no further business before the Board, the meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Linda A. Wells  
Executive Director

